

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN) ECF Case
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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case
Burlingame v. Bin Laden, et al., 02-cv-7230)
Ashton, et al. v. Kingdom of Saudi Arabia, 17-cv-02003 (GBD)(SN)
Ryan, et al. v. Islamic Republic of Iran, et al., 20-cv-00266 (GBD) (SN)

DECLARATION OF JOHN F. SCHUTTY, ESQ.
IN SUPPORT OF APPLICATION TO SUBSTITUTE COUNSEL

John F. Schutty, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury under the laws of the United States of America, that the following is true and correct:

1. I am an attorney admitted to practice before this Court. I submit this Declaration in support of a consent application (Local Civil Rule 1.4) to substitute my law firm, the Law Office of John F. Schutty, P.C., in the place and stead of the law office of Wiggins, Childs, Pantazis, Fisher & Goldfarb LLC, on behalf of Plaintiff, Kristen Breitweiser, Individually as Spouse and as Personal Representative of the Estate of Ronald M. Breitweiser, Deceased, and the adult daughter of Decedent Ronald M. Breitweiser (hereinafter “the Breitweiser Plaintiffs”). I am personally familiar and attest to the truth of the facts that follow below.

2. This MDL litigation is still in the midst of the discovery that is being handled by a Plaintiffs’ Steering Committee, so there will be no prejudice to the Breitweiser Plaintiffs or the Defendants by the requested substitution of the Plaintiffs’ counsel.

3. The attached “Consent” shows that these Plaintiffs, their outgoing attorney (Dennis Pantazis, Esq.), their incoming attorney (John F. Schutty, Esq.), and the plaintiffs’ MDL Liaison Counsel (James Kreindler, Esq.) all consent to the substitution.

4. Similar “Consents” have previously been filed for Plaintiffs Irene Dickey, Dara Seaman, Allison Wallice, Joanne Kelly, Susan Sliwak, Jacqueline Eaton-Garland, Lisa O’Brien and Eileen Lynch; those “Consents” also were appropriately signed by those Plaintiffs and the outgoing attorneys and were previously “so-ordered” by this Court.

5. In light of Plaintiffs’ wishes, and their attorneys’ consent, I respectfully request that this substitution be completed without delay, by the court “so-ordering” the attached “Consent.”

6. Since these plaintiffs were originally plaintiffs in the *Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD) (SN) action, which was merged into the *Ashton* Master Complaint, *Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN), these plaintiffs wish to continue their presence in the *Ashton* Complaint and the declarant respectfully asks that the court clerk remove the “termination” phrase next to their names in the *Ashton* docket as these plaintiffs were never dismissed from *Ashton* by any order issued by the Court (a transfer from *Ashton* to a new Complaint was suggested – MDL ECF# 5374 – but that transfer and filing was never consummated, except as to the Defendant Islamic Republic of Iran).

7. In requesting this substitution, the Breitweiser Plaintiffs also ask that the Court to advise the Clerk of Court to transfer the Breitweiser Plaintiffs’ claims asserted against the Defendant Islamic Republic of Iran back to the *Ashton* Master Complaint (*Ashton, et al. v. al Qaeda Islamic Army, et al.*, 1:02-cv-6977 (GBD)(SN)) from *Ryan, et al. v. Islamic Republic of Iran, et al.*, 1:20-cv-00266 (GBD) (SN)).

8. No retaining or charging liens have been claimed by the outgoing attorneys.

Dated: New York, New York
January 20, 2023

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

John F. Schutty
John F. Schutty (JS2173)
Law Office of John F. Schutty, P.C.
445 Park Avenue, 9th Floor
New York, NY 10022
Tel: (212) 745-1145
Fax: (917) 591-5980